IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH: JAIPUR.

J U D G M E N T

(1)S.B. CIVIL WRIT PETITION NO. 5025/1998
KANHAIYA LAL Vs. THE STATE OF RAJASTHAN & ORS.

(2)S.B. CIVIL WRIT PETITION NO. 5024/1998
PAPPU MEENA Vs. THE STATE OF RAJASTHAN & ORS.

(3) S.B. CIVIL WRIT PETITION NO. 5023/1998
NARAIN LAL Vs. THE STATE OF RAJASTHAN & ORS.

(4) S.B. CIVIL WRIT PETITION NO. 5022/1998
VIKRAM SINGH Vs. THE STATE OF RAJASTHAN & ORS.

(5) S.B. CIVIL WRIT PETITION NO. 5021/1998
RAM PRASAD DHANKA Vs. THE STATE OF RAJASTHAN & ORS.
&
(6) S.B. CIVIL WRIT PETITION NO. 5788/1998
SANTOSH KUMAR CHANDEL Vs. THE STATE OF RAJASTHAN & ORS.

Date: 05.09.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Yogesh Kumar Sharma for the petitioners.
Mr. B.S. Chhaba, Addl. GA for the State.

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REPORTABLE

Since all the writ petitions involve similar question of law, therefore, they are being decided by this common judgment.

The short controversy in these writ petitions is that the petitioners were given appointment under the

Rajasthan Recruitments of Dependants of Government Servant Dying While in Service Rules, 1975 on daily wage basis, although the petitioners fathers were regular employees with the respondents.

Learned counsel for the petitioners placed reliance on the judgment rendered by this Court in the case of *Ram Chandra Vs. The Executive Engineer & Ors., decided on 06.08.98 and reported in 1999(1) WLC(Raj.) 258,* wherein this Court has held that appointment under Rules is regular appointment. Appointment of the petitioner as Beldar on temporary basis and treating him only semi-permanent after two years of service unjustified, the respondents are directed to give regular appointment to the petitioner.

In the order/circular dated 20.09.95 issued by the Finance Department of the State of Rajasthan, at Item No.16 it is observed as under:-

> मतक कर्मचारियो कि आश्रितों को नियुक्ति-
>
> "नियमित किये गये कर्मचारी की मत्यु होने के फलस्वरूप उसके आश्रित को कार्मिक विभाग द्वारा इस विषयान्तर्गत जारी नियमों के तहत नियमित पद पर नियुक्ति दी जायेगी जो कर्मचारी अभी वर्कचार्ज प्रणाली में ही कार्यरत है उनकी मत्यु होने पर उनके आश्रित को दैनिक मजदूरी पर नियुक्ति दी जायेगी ऐसे मामलों मे नियुक्ति पर प्रतिबन्ध शिथिल माना जायेगा."

After considering the above circular, this Court has observed as under:-

> "Rules 1975 have statutory force. Appointment of dependent of a deceased government servant on compassionate grounds under Rules 1975 is a regular appointment for all purposes and the said appointment cannot be treated as temporary or casual. A person appointed under Rules 1975 cannot be left at the mercy of the employer in the capacity of temporary or casual employee. The only care which has to be taken is that such appointment should not unduly interfere with the right of other persons who are eligible for appointment to seek employment against the post which would have been available to them but for the provision enabling appointment being made on compassionate grounds of the dependent of a deceased employee.

Since, the appointment of dependent of a deceased government servant on compassionate grounds under the Rules of 1975 is a regular appointment for all purposes and the said appointment cannot be treated as temporary of casual, therefore, in the light of the ratio decided by this Court in the case of *Ram Chandra Vs. The Executive Engineer & Ors. (supra)* and the circular dated 20.09.95, issued by the Finance Department of the State of Rajasthan, the petitioners who are given appointment as helper/Beldar be treated regular w.e.f. their initial appointment with all

consequential benefits. It is not disputed that all the petitioners are still continuing under the Work charge Rules.

All the writ petitions stand allowed.

(K.S. RATHORE),J.

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